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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,133	06/01/2001	Tim Clark	1898	1924

52207 7590 03/06/2007  
LAW OFFICES OF LARRY K. ROBERTS, INC.  
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EXAMINER
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HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/872,133

Applicant(s)

CLARK ET AL.

Examiner

Ronald D. Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/14/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-21, 30-33, 39-44 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21, 30-33, 39-44, 48-49 and 53 is/are rejected.
- 7) ☒ Claim(s) 50-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

All claims should have the term "internet" replaced with "Internet".

Claim 52 should replace the acronym GFCI with its appropriate formal name.

Claim 30; line 13 reads, "from said to a remote ...". What is being referenced?

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 52 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 52, the specification, as originally filed, does not adequately describe a GFCI trip or power down notification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-20, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, U.S. Patent No. 6,549,130, in view of Smith et al., U.S. Patent No. 6,192,282.

As per claims 19 and 30, Joao teaches a system for remotely monitoring and controlling pool equipment through the Internet by utilizing a server; however, Joao does not specifically teach the pool equipment specifically being utilized for controlling water parameters of the pool itself.

Smith et al. teaches a building automation system, which may be accessed remotely, such as through the World Wide Web (e.g. C9 L55-59), wherein parameters and/or devices associated with a pool, spa or steam room may be controlled. These parameters and/or devices include temperature controls, heaters, pumps and chemicals (e.g. Figure 1 element 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Smith et al. into the system disclosed by Joao for the purpose of providing specific controls for the pool equipment disclosed by Joao so that the pool can be effectively and reliably controlled from a remote location.

As per claims 20 and 32, Smith et al. teaches display devices which allow for the capability to view current operational parameters of the pool (e.g. Figure 1 element 15).

2. Claims 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Smith et al., as applied to claims 19 and 30 above, and further in view of Official Notice.

As per claims 21 and 33, Official Notice is taken with respect to displaying data associated with the controlling of the pool by way of a chart, table or graph.

It would have been obvious to incorporate this well-known feature into Joao's combined system for the purpose of providing a simple, easy to comprehend visual display of the pool parameters being controlled and or monitored.

3. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Smith et al., as applied to claim 19 above, and further in view of Official Notice.

As per claim 53, Official Notice is taken with respect to a feature wherein a controller and a network interface are mounted on the same circuit board. It is noted that most computers include motherboards and or daughterboard's that possess communications ports and microprocessors on the same board since this provides a more compact computing system.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Smith et al., as applied to claim 30 above, and further in view of Official Notice.

As per claim 31, Official Notice is taken with respect to the utilization of a browser, with respect to using the Internet.

It would have been obvious to utilize this feature since Joao teaches communicating over the Internet and since a browser is a flexible yet effective way of performing this communication since it allows for visual information to be displayed and allows the user to interact with the system using on screen controls and or functions.

5. Claims 39-44 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, U.S. Patent No. 6,549,130, in view of Smith et al., U.S. Patent No. 6,192,282, in further view of Official Notice.

As per claim 39, the rejection as applied to claim 30, from above, is applied equally herein.

Furthermore, Smith et al. teaches alarm conditions being communicated in response to the monitoring of devices and Smith et al. also teaches password-protected access to home while using TCP/IP protocol (e.g. C20 L45-55).

Furthermore, the rejection of claim 31 is also applied herein.

As per claims 40 and 48, the rejection of claim 39, from above, is applied herein.

As per claim 41, the rejection of claim 31 is applied equally herein.

As per claim 42, Official Notice is taken with respect to JAVA applets, and their incorporation would have been obvious since it would provide a flexible means by which

information may be communicated to a remote location so that a user may interact with the system through the Internet.

As per claims 43-44, Smith et al. teaches a spa and a pool (e.g. Fig 1 ele 23).

As per claim 49, both Joao and Smith teach the utilization of wireless communications.

***Allowable Subject Matter***

Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 50, the prior art of record fails to teach a spa cover notification, in combination with the other claimed features and or limitations as claimed.

Claim 51 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 52, the prior art of record fails to teach a pool gate alarm notification, in combination with the other claimed features and or limitations as claimed.

Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 52, the prior art of record fails to teach a GFCI trip or power down notification, in combination with the other claimed features and or limitations as claimed.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is 571-272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

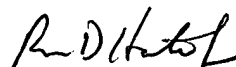
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald D Hartman Jr.

Patent Examiner

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February 27, 2007

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